IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 7411 of 2005

Between:

1. L. Ramu Naidu, S/o. Late Pydithalli Naidu,
   R/o. D.No.26-36, Kothapeta Military Colony, Elamanch8ili,
   Visakhapatnam District.
2. L. Adilakshmi, W/o. Late Appa Rao (Ex. Service Man),
   R/o. D.No.26-36/2, Kothapeta Military Colony, Elamanchili,
   Visakhapatnam District.
3. L. Sanyasi Rao, S/o. late Pydithalli Naidu,
   R/o. Resapuvanipalem, Visakhapatnam.
4. M. Vara Govinda, S/o. Late Kasulu,
   R/o. D.No.18-154, Ram Nagar, Elamanchili, Visakhapatnam District.

... PETITIONERS

AND

1 The Govt of A.P., rep. by its Secretary, Revenaue Department,
  Secretariat, Hyderabad.
2 the District collector, Visakdhapatnam.
3 The Mandal Revenaue Officr, Sabbavaram, Visakhapatnam District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in depriving the petitioners of their rights in respect of the lands assigned to the 1st petitioner an extent of Ac. 4-98 cents in S.No.2/3, 2nd petitioner an extent of Ac. 5-00 in S.No.2/4, 3rd petitioner an extent of Ac.4-75 cents and 4th petitioner an extent of Ac.4-75 cents in S.No.2/1 and

2/5 situated at Asakapalli Village, Sabbavaram Mandal, Visakhapatnam District, as being arbitrary, illegal and violative of Articles 14 and 300-A of the Constitution of India and consequently direct the respondents not to dispossess the petitioners in respect of the said lands.

Counsel for the Petitioners: MR.C.H.MURALI KRISHNA

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following:

ORDER:

The petitioners seek a writ of Mandamus declaring the action of the respondents in depriving their rights in respect of the lands assigned to them as arbitrary and illegal.

When the matter is taken up for consideration, the learned Government Pleader, under instructions, states that the assignments in favour of the petitioners were cancelled by the Mandal Revenue Officer vide proceedings dated 11-03-2005 and the land in question has been resumed. A copy of the said order has been placed before this Court and also served on the learned counsel for the petitioners.

In these circumstances, the relief as prayed for cannot be granted. Accordingly, the writ petition is disposed of granting leave and liberty to the petitioners to challenge the order of cancellation dated 11-03-2005 by working out the appropriate remedy as available under law. No order as to costs.

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G. ROHINI, J

Dated: 11-04-2005

LSK

ASSISTANT REGISTRAR

To

1 The Secretary, Revenue Department,
Secretariat, Hyderabad.
2 The District collector, Visakhapatnam.
3 The Mandal Revenue Officer, Sabbavaram, Visakhapatnam District.

4 Two C.Cs. to the G.P. for Revenue, High Court Buildings, Hyderabad.
(OUT)

5 Two C.D. copies.